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6 **IN THE UNITED STATES DISTRICT COURT**
7 **DISTRICT OF ARIZONA**

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9 United States of America,

10 Plaintiff,

11 vs.

12 José Antonio Méndez-Ake,

13 Defendant.

No. 08-3129M

**ORDER RE: EXTENDING
TIME TO INDICT**

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15 **HAVING** considered Defendant José Antonio Méndez-Ake's Motion to Extend
16 Time to Indict, there being no objection by the government, and good cause having been shown;

17 **THE COURT** makes the following findings:

- 18 1. Counsel for defendant has only recently been appointed;
- 19 2. The defendant earnestly wishes to consider the plea offer extended by the
20 government;
- 21 3. The defendant wishes to investigate possible defenses prior to considering
22 the government's plea offer;
- 23 4. The government's plea offer, if accepted by the defendant and then the
24 court, would likely reduce defendant's exposure to a significant term of
25 imprisonment;
- 26 5. If the defendant does not timely accept the plea offer prior to indictment,
27 the government will withdraw said plea offer and any subsequent plea offer
28 after indictment would likely be less advantageous to the defendant;
6. Failure to extend time for indictment in this instance would thus operate to
bar defendant from reviewing the government's plea offer in a meaningful
way prior to indictment; and

7. The ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy indictment.

IT IS HEREBY ORDERED that defendant's Motion to Extend Time for Indictment requesting an extension of thirty (30) days within which the government may seek to indict defendant, is hereby granted.

DATED this 8th day of May, 2008.

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